

8, 2017, and my objection is not intended to question the credentials of Mr. Engel in any way. However, at that time, no member had sufficient opportunity to pose questions to Mr. Engel concerning the May 1, 2017, OLC opinion. I believe each Member of my committee and of the Senate should have the benefit of his views on the opinion as they consider his nomination to lead the office that created it.

The opinion erroneously states that individual Members of Congress are not constitutionally authorized to conduct oversight. It creates a false distinction between oversight and what it calls “nonoversight” requests, and it relegates requests from individual Members for information from the Executive branch to Freedom of Information Act requests. I have written a letter to the President requesting that the OLC opinion be rescinded. The Executive branch should properly recognize that individual Members of Congress have a constitutional role in seeking information from the Executive branch and should work to voluntarily accommodate those requests.

My June 12, 2017, letter to Mr. Engel asks him several questions about the opinion, including whether the opinion met the OLC’s own internal standards requiring impartial analysis, whether individual Members of Congress are “authorized” to seek information from the Executive branch, and what level of deference the Executive branch should provide to individual Member requests. I ask unanimous consent that it be printed in the RECORD following my remarks. I look forward to Mr. Engel’s responses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 12, 2017.

STEVEN A. ENGEL,
Care of the Office of Legislative Affairs, United States Department of Justice, Washington, DC.

DEAR MR. ENGEL: recently, the Committee obtained a copy of a May 1, 2017, Office of Legal Counsel (OLC) opinion entitled “Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch.” That opinion asserts that individual Members of Congress in fact do not have that authority. Specifically, the opinion states, quite remarkably, that individual Members of Congress are not Constitutionally authorized to request information from the Executive Branch. It further states that requests from non-Chairmen essentially are subject to the same level of deference as a request submitted from a private, unelected member of the public pursuant to the Freedom of Information Act (FOIA).

As you know, the Constitution imposes significant responsibilities on each and every Member of Congress that require them to make informed decisions and cast votes in the best interests of their constituents on a vast array of matters. Those responsibilities in many instances require that the Members have access to Executive Branch information. The OLC opinion did not entertain this and other key points and did not attempt to address the significant and dangerous implications it creates for the separation of pow-

ers, bipartisan congressional oversight, transparency in government, and accountability to the American people. Your views on this opinion, its incomplete analysis, and its highly problematic conclusions are very important for “individual Members” of the United States Senate to carefully weigh as they consider your nomination.

Thus, please respond to the following questions by June 26, 2017. Please number your answers according to their corresponding questions.

1. Are you familiar with the May 1, 2017 OLC opinion?

2. In your view, does this opinion meet the standards described in OLC guidance that require impartial analysis of competing authorities or authorities that may challenge an opinion’s conclusions? If so, can you please point to the portion of the opinion which you believe fully discusses contrary authority or arguments for non-Chairmen’s need for information from the Executive Branch to carry out their constitutional function?

3. Do you believe that individual Members of Congress, who are not Chairmen of committees, are “authorized” to seek information from the Executive Branch to inform their participation in the legislative powers of Congress? Do you believe they are authorized by the Constitution? Why or why not? Do you believe that they are authorized by Congress? Why or why not?

4. In your experience, what percentage of congressional requests for information are answered by the Executive Branch on a voluntary basis?

5. In your view, what is an appropriate reason for withholding information requested by an individual Member of Congress?

6. In your view, does the Executive Branch have any Constitutional responsibility to respond to requests for information from individual Members of Congress as part of a process of accommodation in order to promote comity between the branches? If not, why not?

7. Is a request from an individual, elected Member of Congress entitled to any greater weight than a FOIA request, given the Member’s broad Constitutionally mandated legislative responsibilities? Why or why not?

Thank you for your cooperation in this important matter. Should you have questions, please contact DeLisa Lay of my Committee staff.

Sincerely,

CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary.

ADDITIONAL STATEMENTS

TRIBUTE TO LARRY VOYLES

• Mr. MCCAIN. Mr. President, I come to the floor today to congratulate Larry Voyles, the former executive director of the Arizona Game and Fish Department, for his 40 years of dedicated service to the State of Arizona and the Nation.

Larry recently retired from the helm of my home State’s wildlife management agency. He leaves with a litany of accolades and achievements that underscore a remarkable career. During his time at the department, Larry also served in a variety of national posts that advanced Federal policies important to outdoor sports and wildlife conservation, including as president of the Association of Fish and Wildlife Agencies.

Larry first began at the department as a district manager and eventually ascended to become the agency’s top training officer and later a regional director before being selected by the Arizona Game and Fish Commission to serve as the executive director for the past 8 years.

Faced with daunting challenges like regional drought and catastrophic wildfires, Larry proved time and again that the department understands how to care for the land and the large variety of animal life in the Grand Canyon State. Larry also knows the importance of safeguarding a State’s right to manage wildlife populations without undue interference from the Federal Government, and he remains a tireless advocate for sportsmen community and those pursuing meaningful wildlife conservation.

I thank Larry, my friend, for his honorable service at the Arizona Department of Game and Fish and wish him the best in his future endeavors.●

TRIBUTE TO DARYL DELABBIO

• Mr. PETERS. Mr. President, today I wish to mark the distinguished 40-year public service career of Daryl Delabbio of Kent County, MI. Mr. Delabbio is widely regarded as one of the Nation’s preeminent municipal managers, helping lead his region to growth and prosperity with an unwavering devotion to financial stability and customer service. Mr. Delabbio is retiring as the administrator of Kent County, a position he has held for the past 19 years. Prior to that role, he served as assistant Kent County administrator for 3 years and as manager of the city of Rockford, MI, for 11 years. Mr. Delabbio began his municipal career in 1977 as administrative coordinator for the city of Rockwood, before joining Garden City, MI, as director of administrative services.

Mr. Delabbio has presided over a county that emerged from Michigan’s historic economic downturn as the fastest growing county in the State. His success has stemmed from building important partnerships, while prioritizing excellent citizen services and encouraging diversity and inclusion throughout the county. He has distinguished himself by spearheading many of the successful public and private partnerships that have become the hallmark of Kent County’s prosperity. Mr. Delabbio was one of the founders of the Kent County/Grand Rapids Convention and Arena Authority, an organization whose work has greatly advanced the economic development of Kent County. The authority’s development of a downtown convention center and sports and entertainment arena have become catalysts for the economic vitality of Grand Rapids, Michigan’s second-largest city.

Mr. Delabbio has shown a dedication to lifelong learning by creating various educational programs for county staff and a strong commitment to diversity, equity and inclusion. In 2001, he helped